

Amendment No. 1 to SB3508

**Tracy
Signature of Sponsor**

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 3508

House Bill No. 3259*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 54-21-102, is amended by inserting the following as new, appropriately designated subdivisions and by renumbering the other subdivisions paragraphs as needed:

() "Digital display" means a type of changeable message sign which displays a series of messages at intervals through the electronic coding of lights or light emitting diodes or any other means that does not use or require mechanical rotating panels;

() "Non-conforming" means an outdoor advertising device that does not conform to the zoning, size, lighting or spacing criteria established by and in accordance with either the current agreement entered into between the commissioner and the secretary of the transportation of the United States, or in accordance with the original agreement entered into on or about November 11, 1971, as authorized in § 54-21-116. Any outdoor advertising device that continues to conform to either the current agreement or the original agreement as provided in § 54-21-116 shall not be considered non-conforming;

SECTION 2. Tennessee Code Annotated, Section 54-21-104, is amended by adding the following language to the end of subsection (b):

An application for an addendum to an existing permit requesting authorization to upgrade an existing outdoor advertising device to a changeable message sign with a digital display, as provided in § 54-21-122, shall also be accompanied by payment of a fee of two hundred dollars (\$200), which shall not be subject to return upon rejection of the application. No outdoor advertising device with a digital display lawfully permitted, erected and in operation prior to the effective date of this act shall be required to apply for such an addendum or to pay such fee.

SECTION 3. Tennessee Code Annotated, Section 54-21-122, is amended by adding the following language as new subsections:

(c) No person shall erect, operate, use or maintain a changeable message sign with a digital display in a new location without first obtaining a permit and tag expressly authorizing a changeable message sign with a digital display, and annually renewing the same, as provided in § 54-21-104. No outdoor advertising device with a digital display lawfully permitted, erected and in operation prior to the effective date of this act shall be required to obtain any additional permit under this subsection.

(d) No person shall erect, operate, use or maintain a changeable message sign with a digital display in place of or as an addition to any existing permitted outdoor advertising device without first obtaining, and annually renewing with the permit, an addendum to the permit expressly authorizing a changeable message sign with a digital display in that location. No outdoor advertising device with a digital display lawfully permitted, erected and in operation prior to the effective date of this act shall be required to obtain any addendum under this subsection.

(e) The commissioner shall under no circumstances permit or authorize any person to erect, operate, use or maintain a changeable message sign of any type as a replacement for or as an addition to any non-conforming outdoor advertising device or in any non-conforming location.

(f) Notwithstanding any other state law or regulation to the contrary, a person who is granted a permit or an addendum to a permit authorizing a changeable message sign with a digital display in accordance with subsection (c) or (d) of this section shall have up to but no more than one hundred and eighty (180) calendar days after the date on which the permit or addendum is granted within which to erect and begin displaying an outdoor advertising message on the changeable message sign. If the permitted or authorized changeable message sign with a digital display is not erected and displaying a message within such required time, the permit or addendum to the permit shall be

revoked and the changeable message sign with the digital display shall be removed by the applicant or subject to removal by the commissioner as provided in § 54-21-105.

SECTION 4. This act shall take effect June 1, 2008, the public welfare requiring it.